



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Luis Alberto LOPEZ,

Defendant.

) Mag. Case No.

'08 MJ 84 13

) COMPLAINT FOR VIOLATION OF:

) Title 8, U.S.C., Section 1326

) Deported Alien Found In the United States

The undersigned complainant, being duly sworn, states:

On or about May 12, 2008, within the Southern District of California, defendant Luis Alberto LOPEZ, an alien, who previously had been excluded, deported, or removed from the United States to Mexico was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States code, section 202(3) and (4) , and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Senior Patrol Agent

SWORN TO BEFORE AND SUBSCRIBED IN MY PRESENCE THIS 13th DAY OF MAY 2008.

PETER C. LEWIS

United States Magistrate Judge

1 UNITED STATES OF AMERICA

2 v.

3 Luis Alberto LOPEZ

4 STATEMENT OF FACTS

5 The complainant states that this complaint is based upon the statements of the  
6 apprehending Border Patrol Agent, G. Grullon, that the Defendant was found and arrested on  
7 May 12, 2008 near Niland, California.

8 Agent Grullon was performing his assigned Border Patrol duties at the primary inspection  
9 area of the Border Patrol Checkpoint near Niland when a grey Scion TC approached his location.  
10 Agent Grullon identified himself as a United States Border Patrol Agent and questioned the  
11 occupants of the vehicle as to their citizenship. The driver was identified as Heriberto CORTEZ-  
12 Bugeno, the front passenger was identified as Mayra ZULEMI-Guzman, and the passenger in the  
13 rear was identified as Luis Alberto LOPEZ. All occupants claimed to be United States citizens  
14 and attempted to drive off. Agent Grullon ordered the vehicle to stop and referred the vehicle to  
15 secondary.

16 At secondary inspection Agent Grullon noticed that LOPEZ was pretending to be asleep.  
17 Agent Grullon again questioned LOPEZ regarding his citizenship and again LOPEZ claimed to  
18 be a United States citizen. Agent Grullon noticed LOPEZ was sweating profusely and  
19 conducted record checks on LOPEZ. Record checks revealed an Immigration Judge ordered  
20 LOPEZ deported to Mexico from the United States on July 17, 2006. Record checks also  
21 revealed that LOPEZ has an extensive criminal history.

22 Agent questioned LOPEZ regarding his previous apprehensions, LOPEZ said "You got  
23 me" "I am illegal". Agent Grullon asked LOPEZ what country he was a citizen of and LOPEZ  
24 said he was a citizen of Mexico and he had been previously deported. LOPEZ also stated he last  
25 entered the United States by crossing a canal near Calexico, California.

26 There is no evidence LOPEZ has sought or received permission from the Attorney  
27 General or the Secretary of the Department of Homeland Security to re-enter the United States.  
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